

REMARKS

Applicant wishes to thank Examiner for the indication that claims 1, 3-11, 17, 24 and 27-30 are patentable. Currently claims 1-11, 17, 24, 26-30 and 37-38 are pending. Claims 2, 12-16, 18-23, 25, 26 and 31-35 have been cancelled. Claim 36 has been withdrawn. Claims 1, 11 and 17 have been amended. Claims 37 and 38 have been added to further define the invention. No new matter has been added.

Response to Restriction Requirement

In the Office Action mailed October 27, 2004, a restriction requirement was set forth between two groups of inventions identified by the Examiner and outlined below:

- I. Claims 1, 3-11, 17, 24 and 27-30 (drawn to a combination dump trailer).
- II. Claim 36 (drawn to a combination dump trailer and container).

Applicant hereby elects the Group I invention for prosecution with traversal. Applicant respectfully asserts that no undue burden would be incurred if claim 36 were examined. Claim 36, which included the term "container," was already substantially examined in the July 14, 2004 Office Action.


Rejections Under 35 U.S.C. § 112

Applicant wishes to thank Examiner for the indication that claims 1, 3-11, 17, 24 and 27-30 are patentable, yet stand preliminarily rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 1, 11 and 17. Applicant respectfully submits that claims 1, 3-11, 17, 24 and 26-30 comply with 35 U.S.C. § 112, second paragraph, and are patentable for at least this reason.

Claims 37 and 38 have been added to further clarify and define embodiments of the invention. Claims 37 and 38 are dependent on claims 1 and 17 and are allowable for at least the same reasons.

Applicant believes all pending claims, as amended, are patentable. The Examiner is invited to contact the undersigned directly if it would be helpful to the advancement of this case.

Respectfully submitted,

By 
Charles J. Meyer
Reg. No. 41,996
Woodard, Emhardt, Moriarty, McNett &
Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456